

No. 13808-4Lab-75/400.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s (i) XEN Public Health Department, Ambala Cantt (ii) Municipality Yamuna Nagar.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Application No. 3 of 1973 under section 33-A of the Industrial Disputes Act, 1947

between

SHRI SHIV RAM AND BAHADUR SINGH AND THE MANAGEMENT OF (I) XEN,
PUBLIC HEALTH DEPARTMENT, AMBALA CANTT (II) MUNICIPALITY,
YAMUNA NAGAR

AWARD

Shri Swaran Singh authorised representative of the complainant made a statement on 17th December, 1974 that an amicable settlement had been arrived at between the parties and the complainants S/Shri Shiv Ram and Bahadur Singh did not propose to pursue the complaint made under section 33-A of the Industrial Disputes Act, 1947 pending an industrial dispute between the parties on the allegations that the conditions of service of the workmen S/Shri Ajit Singh and Zuri Ram had been changed during the pendency of an industrial dispute by the respondents, by way of effecting their transfer from Municipal service to Public Health. As no final order was recorded by my learned predecessor on the basis of the statement of Shri Swaran Singh it was thought proper to summon the parties again directing them to appear before me on 25th November, 1975. The complainants did not appear on that date despite service of notice of this complaint served on them on the address supplied by them. Their absence indicated that they are not interested in pursuing the complaint made by them pending an industrial dispute between the parties.

I thus dismiss the complaint made under section 33-A of the Industrial Disputes Act by S/Shri Shiv Ram and Bahadur Singh with no order as to costs.

MOHAN LAL JAIN,

Dated the 25th November, 1975.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 13277-4Lab-75/398.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s XEN, Suburban Division, Haryana State Electricity Board, Karnal.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 69 of 1974

between

SHRI MAHABIR SINGH AND THE MANAGEMENT OF THE XEN, SUBURBAN DIVISION,
HARYANA STATE ELECTRICITY BOARD, KARNAL.

AWARD

This award shall dispose of this reference and reference No. 59 of 1974 between Ram Kishan and Haryana State Electricity Board, Suburban Division, Karnal consolidated,—*vide* my order, dated 16th September, 1975 on the grounds that common questions of law and fact were involved therein and the evidence likely to be adduced by the parties were practically the same.

The parties appeared in this court in response to the notices of reference sent to them and filed their pleadings giving rise to the following issues:—

1. Whether it is a case of self abandonment of service by Shri Mahabir Singh/Ram Kishan and as such no industrial dispute is existed between the parties and the reference is consequently bad in law and without jurisdiction ?
2. If issue No. 1 is not proved whether the termination of services of Shri Mahabir Singh/Ram Kishan was justified and in order ? If not, to what relief is he entitled ?

The management examined Shri S. P. Bhardwaj, S. D. O., R. E. C., Suburban Division, Panipat M. W. 1, Shri S. N. Goel, Line Superintendent, M. W. 2 and Shri Jai Dev, Foreman, M. W. 3 who all deposed that Mahabir Singh workman absented himself from duty w. e. f. 20th May, 1974 and Ram Kishan workman absented himself from duty w. e. f. 2nd July, 1974 and none of them turned up thereafter, with the result that the names of these workmen were not taken in the register of employees for the month of July, 1974. Shri S. P. Bhardwaj also deposed that both these workmen were work-charged. Nothing could be brought out in cross-examination of any of these witnesses leading me to suspect their evidence.

The case of the management having been closed on 16th September, 1975, the case was fixed for recording evidence of the workmen on 20th November, 1975 when he did not turn up despite being directed to do so. *Ex-parte* proceedings were, therefore, taken up against him on 20th November, 1975 with the result that the evidence led by the management remained unrebutted.

I see no reason to disbelieve the case of the management particularly when the evidence led by the later has remained unrebutted and is otherwise corroborated by authentic official documentary evidence relating to attendance register etc. I, therefore, relying on the same decide issue No. 1 in favour of the management.

As a result of my finding on issue No. 1, I hold on issue No. 2 that it was not a case of termination of services of the workmen but was on the other hand, a case of abandonment of services by the workmen voluntarily and their continued absence from duty and that none of the workmen is entitled to any relief. I return the award accordingly with no order as to costs.

Dated the 20th November, 1975

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 13067-4Lab-75/402.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Fine Wires (P) Ltd., 1/1 Alawdpur Road, Palwal.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 1 of 1974

between

SHRI KESHARI SINGH WORKMAN AND THE MANAGEMENT OF M/S FINE
WIRES (P) LTD; 1/1, ALAWDPUR ROAD, PALWAL.

AWARD

By order No. ID/FD/73/47826, dated 27th December, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Fine Wires (P) Ltd., 1/1, Alawdpur Road, Palwal and its workman Shri Keshari Singh to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Keshari Singh was justified and in order ? If not, to what relief is he entitled ?

The parties appeared in this Tribunal in response to the notices of reference sent to them and filed their pleadings. whereas the workman alleged,—*vide* statement of claim filed by him that his Services as a Turner were terminated by the management with effect from 15th February, 1967, without sufficient cause and without any enquiry, the management pleaded that the statement of claim

was incomplete and the petitioner of his own accord absented himself from duty after he failed to deposit a sum of Rs. 2,500 paid to him for depositing in Haryana State Electricity Board against a bill, dated 5th February, 1973 thus committing breach of trust of that amount.

The following issues were thus framed on pleas of the parties,—*vide* my order dated 13th June, 1974:—

- (1) Whether the statement of claim filed by the workman concerned is not proper and in order? If so, with what effect? (on management)
- (2) Whether the termination of services of Shri Keshari Singh was justified and in order? If not, to what relief is he entitled?

The management examined Shri L. R. Tewatia, their Managing Director who orally deposed that workman failed to deposit a sum of Rs. 2,500 with Haryana State Electricity Board paid to him for that purpose on 5th February, 1973 and that he was found missing at about 6 p.m. and that the village panchayat paid a sum of Rs. 500 to the management on his behalf. He admitted that the remaining amount remained unpaid and a criminal claim filed by the management was dismissed and that an order for recovery of Rs. 1,835 had been made by the Authority under the Payment of Wages Act in favour of the workman against the management. Shri Amar Singh another witness examined by the management only deposed that he did not find the workman in his village on making a search for him. He also admitted that the authority under the Payment of Wages Act made an order in favour of the workman for recovery of Rs. 2,000 against the management.

The admitted fact of dismissal of the complaint of the management under section 408 I. P. C. and the circumstances of decree in favour of the workman for recovery of Rs. 2,000 subsequent to the alleged mis-appropriation by him led to conclusion beyond doubt, that the case as set up by the management in respect of mis-appropriation by the workman of a sum of Rs. 2,500 is false and fabricated particularly when it has not even been shown that the management took up the plea relating to the misappropriation by the workman of a sum of Rs. 2,500 and their right to adjust this amount against his claim made before the Authority under the payment of Wages Act.

The workman,—*vide exparte* statement made by him on 10th November, 1975 denied the story put forth by the management and deposed that he remained unemployed since the date of the termination of his service. I as such placed reliance on the evidence led by the management and decide both the issues against the later.

As a result of my finding on the issues stated above, I hold that the termination of services of Shri Keshari Singh by the management was unjustified and that he is entitled to be reinstated with effect from 5th February, 1973 with continuity of service and full back wages. I return the award accordingly.

Dated 13th October, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1711, dated the 13th November, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 13th November, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

P. P. CAPRIHAN, Commissioner & Secy.